IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORTION	§	
Plaintiff/Counter-Defendant	§	
	§	
vs.	§	No. 2:06cv72 (DF)
	§	Jury Trial Demanded
WELLS FARGO & COMPANY;	§	
WELLS FARGO BANK, NATIONAL	§	
ASSOCIATION	§	
Defendants/Counter-Plaintiff	§	

DATATREASURY'S ANSWER TO HSBC BANK USA, N.A.'S AMENDED COUNTERCLAIMS

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to HSBC Bank USA, N.A.'s ("HSBC Bank") Amended Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement and in support thereof, states as follows:

JURISDICTION AND VENUE

1. Plaintiff/Counter-Defendant admits the allegations contained in paragraphs 104 through 106 of HSBC Bank's Amended Counterclaims.

2. Plaintiff/Counter-Defendant admits the allegations contained in paragraphs 104 thru 105 of HSBC Bank's Counterclaims.

FIRST COUNTERCLAIM FOR RELIEF

(Declaratory Judgment – Non-Infringement)

3. In paragraph 107 of Defendants' Amended Counterclaim, HSBC Bank has incorporated Paragraphs 93 through 102 of Defendant's Amended Answer which are affirmative defenses by Defendant HSBC Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event

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any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 102 as denied.

4. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 108 of the first counterclaim of HSBC Bank's Amended Counterclaims.

5. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 109 of the first counterclaim of HSBC Bank's Amended Counterclaim.

6. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 110 of the first counterclaim of HSBC Bank's Amended Counterclaim.

7. Plaintiff/Counter-Defendant denies that HSBC Bank is entitled to a judicial declaration of non-infringement as to the '988, '137, '007, and '868 Patents, as alleged in paragraph 111 of the first counterclaim of HSBC Bank's Amended Counterclaim.

SECOND COUNTERCLAIM FOR RELIEF

(Declaratory Judgment - Invalidity)

8. In paragraph 112 of Defendants' Amended Counterclaim, HSBC Bank has incorporated Paragraphs 93 through 102 of Defendant's Amended Answer which are affirmative defenses by Defendant HSBC Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93. through 102 as denied.

9. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 113 of the second counterclaim of HSBC Bank's Amended Counterclaims.

10. Plaintiff/Counter-Defendant denies that HSBC Bank is entitled to a judicial declaration of invalidity as to the '988, '137, '007, and '868 Patents as alleged in paragraph 113 of the second counterclaim of HSBC Bank's Amended Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____________/S/______________________

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ATTORNEYS FOR PLAINTIFF/COUNTER-DEFENDANT,DATATREASURY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 17th day of April, 2007.

___________/S/______________________
Edward Lewis von Hohn